IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1738 OF 2006

Mohd. Khalid @ Guddu Mukhtar
Ahmed Shaikh ...Petitioner
Vs.
The State of Maharashtra ...Respondent

Shri Ganesh Gole for the Petitioner.
Shri Rajesh More, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : AUGUST 29, 2006.

P.C.:

1. Rule. The learned A.P.P. waives service for the Respondents. Taken up for hearing forthwith.

2. On 18th May, 2006 an order of externment has been passed against the Petitioner under section 63 of the Bombay Police Act, 1951. By the said order, the Petitioner has been externed out of the limits of Mumbai city, Mumbai suburban, Thane and Raigad districts for a period of two years. The Petitioner preferred a statutory Appeal against the said order. In the meanwhile, the Petitioner applied for stay before the Appellate Authority. The Petitioner approached this court by filing Writ Petition No.1221 of 2006. On 18th July, 2006, the Writ Petition was disposed of by passing following order:

"(i) The Appellate Authority shall decide the appeal filed by the petitioner against the order of externment dated 18.5.2006 as expeditiously as possible and preferably within a period of six weeks from the date of receipt of this order on merits in accordance with law.

(ii) Liberty to the petitioner to apply before the appellate authority seeking re-entry for a period of 15 days. If such an application is filed within one week from today, same may be considered on merits within two weeks therefrom.

(iii) With these observations, the writ petition stands disposed of."

3. The Appellate Authority considered the Application made by the Petitioner seeking re-entry for a period of fifteen days. By order dated 03rd August, 2006, the Appellate Authority allowed the

Petitioner to enter only Mumbai City district between 07th August, 2006 to 12th August, 2006. The Petitioner had sought re-entry for a period of fifteen days on the ground that his mother who is staying in Bhiwandi in district Thane is not well and she needs to be treated in Mumbai.

4. The Appeal of the Petitioner is not disposed of till today. The Petitioner has placed reliance on medical certificate dated 30th June, 2006 which is annexed as Exhibit 'A' to the Petition. After having heard the Advocates appearing for the parties, I find that permission deserves to be granted to the Petitioner to enter Mumbai suburban, Mumbai city and Thane district for a limited period of fifteen days subject to observance of certain terms and conditions.

5. Hence, Petition is disposed of by passing following order:

(i) The order dated 03rd August, 2006 passed by Appellate Authority is set aside.

(ii) The Petitioner is permitted to enter the Mumbai

City, Mumbai sub-urban and Thane districts for the period between 01st September, 2006 to 15th September, 2006 subject to following conditions:

(a) The Petitioner will not be permitted to enter the aforesaid area carrying any weapon.

(b) The Petitioner will report every alternate day in the office of the Deputy Commissioner of Police at Bhiwandi during the said period of fifteen days.

(iii) Rule is made partly absolute in above terms.

JUDGE